

**REMARKS****INTRODUCTION:**

In accordance with the foregoing, claim 10 has been canceled, claims 1, 4, 5, 6, 9, 11, 12, 13, 14, 15, and 16 have been amended, and claims 21-24 have been added. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-9, 11-16 and 21-24 are pending and under consideration. Reconsideration is respectfully requested.

**IN THE SPECIFICATION:**

In response to the Examiner's comments concerning the substitute specification (clean copy and marked-up copy), page 4 of the Office Action, paragraph number 3, it is not understood why the Examiner did not receive the marked-up substitute specification and the clean copy of the substitute specification in the response to the previous office action. However, enclosed herewith are further copies of the marked-up substitute specification and the clean copy of the substitute specification. Hence, since several misspellings occurred in the specification, a marked-up specification showing deleted words with strikethrough and replacement words that are underlined is provided, and also, a replacement specification is provided herewith, for the Examiner's convenience.

The substitute specification contains no new matter.

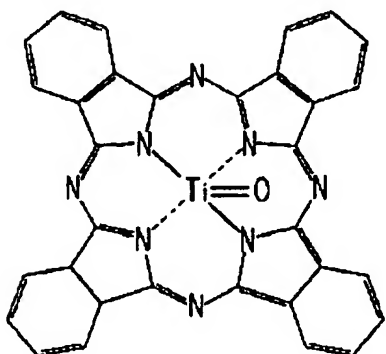
In addition, in response to the objections to the specification regarding antecedent basis, pages 5-7 of the Office Action, paragraph number 4, in accordance with the Examiner's suggestion, the specification has been amended to incorporate the features of claims 5-7, 9, 13, and 14 by replacing old paragraph [0060] with paragraphs [0060]-[0061]. Old paragraph [0060] has been reinserted as new paragraph [0062]. Applicants thank the Examiner for her helpful suggestion.

**REJECTION UNDER 35 U.S.C. §112:**

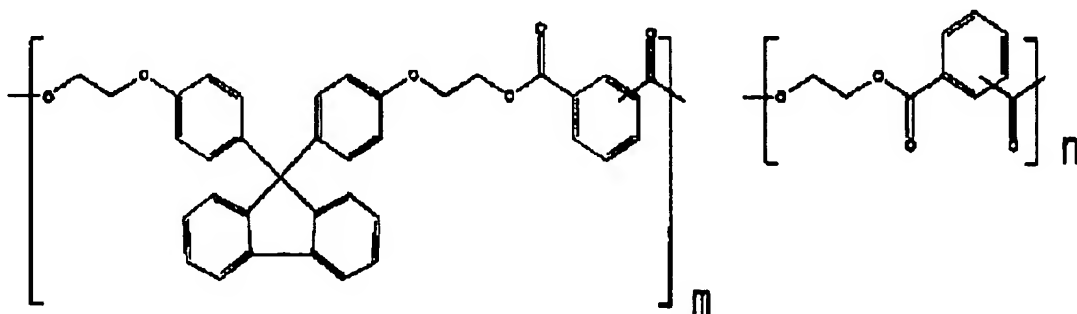
A. In the Office Action, at pages 8-10, numbered paragraph 6, claims 5-7 were rejected under 35 U.S.C. §112, second paragraph, for the reasons set forth therein. This rejection is traversed and reconsideration is requested.

Claim 5 has been amended to recite a single-layered electrophotographic photoreceptor having a charge generating material prepared in accordance with a process of manufacturing a

single-layered electrophotographic photoreceptor, the process comprising: dispersing, using dispersing materials, with a first binder resin and a predetermined solvent, the charge generating material, wherein the charge generating material comprises titanyloxy phthalocyanine which has a following formula:



and the titanyloxy phthalocyanine is a crystal form which has at least 2 main peaks in a range of  $(2\theta \pm 0.2) = 9.5^\circ$  to  $27.3^\circ$  of a Bragg angle in a characteristic  $\text{CuK}\alpha$  X-ray diffraction spectrum; and the first binder resin comprises a polyethylene terephthalate polymer which has a following formula:



with  $n$  and  $m$  each being an integer that is equal to, or greater than, 1; straining out dispersing materials to obtain a dispersion liquid; dissolving, in a predetermined solvent, a charge transfer material comprising a positive hole transfer material, an electron transfer material and a second binder resin to obtain a dissolved charge transfer material; mixing the dispersion liquid with the dissolved charge transfer material to form a coating liquid; and coating the coating liquid onto an electrically conductive substrate of a drum or cartridge to form a single-layered electrophotographic photoreceptor, wherein the charge generating material is included in a dispersion liquid, the dispersion liquid including the charge transfer material, 1,1,2-trichloroethane as a solvent, and polycarbonate as the second binder resin.

Thus, it is respectfully submitted that amended claim 5 is written properly in a product-by-process format and thus is in proper form under 35 U.S.C. §112, second paragraph. Since

claims 6 and 7 depend from amended claim 5, claims 6 and 7 are submitted to be in proper form under 35 U.S.C. §112, second paragraph, for at least the reasons that amended claim 5 is submitted to be in proper form under 35 U.S.C. §112, second paragraph.

Claims 9, 13 and 16 have been amended for clarity to distinguish the two binder resins as a "first binder resin" and a "second binder resin." The basis is found in claim 1. Thus, claim 16 is submitted to be in proper form under 35 U.S.C. §112, second paragraph.

B. In the Office Action, at pages 10-12, numbered paragraphs 7-8, claims 6 and 14 were rejected under 35 U.S.C. §112, first paragraph, for the reasons set forth therein. This rejection is traversed and reconsideration is requested.

It is respectfully submitted that the terminology "weight percent" is known to those skilled in the art. Claims 6 and 14 have been amended for clarity. As recited in the Material Safety Data Sheets (MSDS) Hyperglossary on the Internet at <http://ilpi.com/msds/ref/concentration.html>, percent by mass (weight percent) is defined as recited below:

1. **Percent by Mass.** Also called weight percent or percent by weight, this is simply the mass of the solute divided by the total mass of the solution and multiplied by 100%:

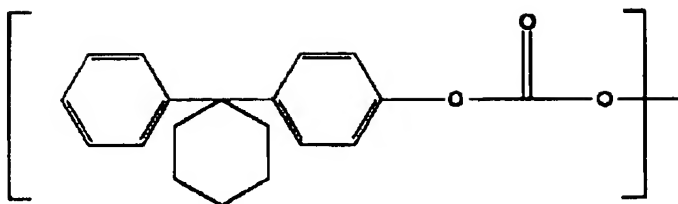
$$\text{Percent by mass} = \left( \frac{\text{Mass of component}}{\text{Mass of solution}} \right) (100\%)$$

The mass of the solution is equal to the mass of the solute plus the mass of the solvent. For example, a solution consisting of 30 grams of sodium chloride and 70 grams of water would be 30% sodium chloride by mass:  $[(30 \text{ g NaCl}) / (30 \text{ g NaCl} + 70 \text{ g water})] * 100\% = 30\%$ .

Thus, the terminology weight percent is submitted to be clear. With respect to the reference to said weight percents in the specification, paragraphs [0019]-[0020] recite:

[0019] In the present invention, the single-layered electrophotographic photoreceptor includes the charge generating material in dispersion liquid. The dispersion liquid comprises the charge generating material, 1,1,2-trichloroethane as a solvent, and polycarbonate of the following (formula 5) as a binder resin:

formula 5



[0020] wherein the polycarbonate is preferably in the range of 10 wt% to 90 wt%, and more preferably, the polycarbonate is in the range of 10 wt% to 40 wt%.

Hence, it is submitted to be clear that the amount of 10 wt % to 90 wt% of the polycarbonate is in the range of  $(10 \text{ grams of polycarbonate} / \text{mass of solution}) \times 100\% = 10 \text{ wt\%}$  to  $(90 \text{ grams of polycarbonate} / \text{mass of solution}) \times 100\% = 90 \text{ wt\%}$ .

Thus, claims 6 and 14 are submitted to be clear under 35 U.S.C. §112, first paragraph.

#### **OBJECTIONS TO CLAIMS:**

A. In the Office Action, at page 12, numbered paragraph 9, claims 4, 12 and 13 were objected to for informalities.

Claims 4 and 12 have been amended to insert terminal periods and to correct the spelling of 9-dicyanomethylene-9H-fluorene-4-carboxylic butyl ester as suggested by the Examiner and are now submitted to be in correct form.

Claim 13 has been amended to delete the word "the" immediately following the term "dissolved." Thus, claim 13 is now submitted to be in correct form.

B. In the Office Action, at pages 12-13, numbered paragraph 10, claim 10 was objected to for informalities.

Claim 10 has been cancelled without prejudice or disclaimer.

#### **EXAMINER'S INTERPRETATIONS OF CLAIMS 5-7:**

In the Office Action, at pages 13-14, numbered paragraph 12, the Examiner is considering claims 5-7 as product-by-process claims.

Claim 5 has been amended to recite a product-by-process claim. Since claim s6 and 7 depend from claim 5, claims 6 and 7 are submitted to be product-by process claims. Thus, the Applicants now agree with the interpretation of the Examiner.

**REJECTION UNDER 35 U.S.C. §102:**

A. In the Office Action, at pages 14-17, numbered paragraph 13, claims 1 and 2 were rejected under 35 U.S.C. §102(e) as being anticipated by US 2004/0009419 A1 (Yokota; hereafter, Yokota), as evidenced by ACS File Registry RN 26201-32-1 and Japanese Patent 01-299874 (JP '874). This rejection is traversed and reconsideration is requested.

Enclosed is an English translation of Korean Application No. 2002-40105, along with a corresponding certification statement in compliance with 37 CFR 1.55(a)(4). As such, it is respectfully submitted that the applicants have established a date of invention of at least July 10, 2002. MPEP 210.15. Since this date of invention is prior to the publication of Yokota on January 15, 2002, Yokota does not qualify as prior art under 35 U.S.C. 102(a) as it was not "described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent." Therefore, it is respectfully requested that the Examiner reconsider and withdraw the rejection of claims 1 and 2 in view of Yokota.

In addition, since Yokota is not available as prior art, the citations of ACS File Registry RN 26201-32-1 and Japanese Patent 01-299874 (JP '874), only as definitional references, are not relevant prior art since Yokota does not qualify as prior art.

Thus, amended claim 1, and claim 2 which depends therefrom, are submitted not to be anticipated under 35 U.S.C. §102(e) by US 2004/0009419 A1 (Yokota), and/or ACS File Registry RN 26201-32-1, and/or Japanese Patent 01-299874 (JP '874), and/or the USPTO translation of JP '874.

B. In the Office Action, at pages 17-18, numbered paragraph 14, claims 1, 2 and 8 were rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Patent 10-020515 (JP '515), as evidenced by ACS File Registry RN 26201-32-1, Japanese Patent 61-271050 (JP '050), and the machine-assisted English translation of JP '515 and of JP '050. This rejection is traversed and reconsideration is requested.

As noted by the Examiner on page 45 of the Office Action, the prior art does not teach the process of making a photoreceptor of the present invention which requires the use of 1,1,2-trichloroethane. Thus, amended claim 1, which recites the use of 1,1,2-trichloroethane to make the photoreceptor of the present invention, is submitted not to be anticipated rejected under 35 U.S.C. §102(b) by Japanese Patent 10-020515 (JP '515), as evidenced by ACS File Registry RN 26201-32-1, Japanese Patent 61-271050 (JP '050), and the machine-assisted English translations of JP '515 and of JP '050.

Since claims 2 and 8 depend from amended claim 1, claims 2 and 8 are submitted not to

be anticipated under 35 U.S.C. §102(b) by Japanese Patent 10-020515 (JP '515), as evidenced by ACS File Registry RN 26201-32-1, Japanese Patent 61-271050 (JP '050), and the machine-assisted English translation of JP '515 and of JP '050 for at least the reasons that amended claim 1 is submitted not to be anticipated under 35 U.S.C. §102(b) by Japanese Patent 10-020515 (JP '515), as evidenced by ACS File Registry RN 26201-32-1, Japanese Patent 61-271050 (JP '050), and the machine-assisted English translations of JP '515 and of JP '050.

C. In the Office Action, at pages 19-22, numbered paragraphs 15-16, claims 5-7 were rejected under 35 U.S.C. §102(b) as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as obvious over JP '515, as evidenced by ACS File Registry RN 26201-32-1, Japanese Patent 61-271050 (JP '050), together with the machine assisted English translations of JP '515 and JP '050. This rejection is traversed and reconsideration is requested.

As noted by the Examiner on page 45 of the Office Action, the prior art does not teach the process of making a photoreceptor of the present invention which requires the use of 1,1,2-trichloroethane. Thus, amended claim 1, which recites the use of 1,1,2-trichloroethane to make the photoreceptor of the present invention, is submitted not to be anticipated under 35 U.S.C. §102(b) by, and to be patentable, under 35 U.S.C. §103(a) over JP '515, as evidenced by ACS File Registry RN 26201-32-1, Japanese Patent 61-271050 (JP '050), together with the machine assisted English translations of JP '515 and JP '050.

Since claims 5-7 which depend, directly or indirectly, from amended claim 1, claims 5-7 are submitted not to be anticipated under 35 U.S.C. §102(b) by, and to be patentable, under 35 U.S.C. §103(a) over JP '515, as evidenced by ACS File Registry RN 26201-32-1, Japanese Patent 61-271050 (JP '050), together with the machine assisted English translations of JP '515 and JP '050 for at least the reasons that amended claim 1 is submitted not to be anticipated under 35 U.S.C. §102(b) by, and to be patentable, under 35 U.S.C. §103(a) over JP '515, as evidenced by ACS File Registry RN 26201-32-1, Japanese Patent 61-271050 (JP '050), together with the machine assisted English translations of JP '515 and JP '050.

#### **REJECTION UNDER 35 U.S.C. §103:**

A. In the Office Action, at pages 22-26, numbered paragraph 17, claims 1, 2, 4, and 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Japanese Patent 2000-075509 (JP '509), as evidenced by ACS File Registry RN 26201-32-1, Japanese Patent 61-271050 (JP '050), including the machine assisted English translations of JP '050 and of JP '515. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The

rejection is traversed and reconsideration is requested.

As noted by the Examiner on page 45 of the Office Action, the prior art does not teach the process of making a photoreceptor of the present invention which requires the use of 1,1,2-trichloroethane. Thus, amended claim 1, which recites the use of 1,1,2-trichloroethane to make the photoreceptor of the present invention, is submitted to be patentable under 35 U.S.C. §103(a) over Japanese Patent 2000-075509 (JP '509), as evidenced by ACS File Registry RN 26201-32-1, Japanese Patent 61-271050 (JP '050), including the machine assisted English translations of JP '050 and of JP '515.

Since claims 2, 4 and 8 depend, directly or indirectly, from amended claim 1, claims 2, 4 and 8 are submitted to be patentable under 35 U.S.C. §103(a) over Japanese Patent 2000-075509 (JP '509), as evidenced by ACS File Registry RN 26201-32-1, Japanese Patent 61-271050 (JP '050), including the machine assisted English translations of JP '050 and of JP '515 for at least the reasons that amended claim 1 is submitted to be patentable under 35 U.S.C. §103(a) over Japanese Patent 2000-075509 (JP '509), as evidenced by ACS File Registry RN 26201-32-1, Japanese Patent 61-271050 (JP '050), including the machine assisted English translations of JP '050 and of JP '515.

B. In the Office Action, at pages 26-29, numbered paragraph 18, claims 1-4 and 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over US 2003/00228534 A1 (Zhu), as evidenced by applicants' admission in paragraph 0033 of the instant specification of the chemical identity of the material associated with the tradename MPCT 10 obtained from Mitsubishi Paper Mill Co., combined with 6,528,645 B1 (Hamasaki) and JP'515, including machine assisted English translations of cites. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

As noted by the Examiner on page 45 of the Office Action, the prior art does not teach the process of making a photoreceptor of the present invention which requires the use of 1,1,2-trichloroethane. Thus, amended claim 1, which recites the use of 1,1,2-trichloroethane to make the photoreceptor of the present invention, is submitted to be patentable under 35 U.S.C. §103(a) over US 2003/00228534 A1 (Zhu), as evidenced by applicants' admission in paragraph 0033 of the instant specification of the chemical identity of the material associated with the tradename MPCT 10 obtained from Mitsubishi Paper Mill Co., combined with 6,528,645 B1 (Hamasaki) and JP'515, including machine assisted English translations of cites.

Since claims 2-4 and 8 depend from amended claim 1, claims 2-4 and 8 are submitted to be patentable under 35 U.S.C. §103(a) over US 2003/00228534 A1 (Zhu), as evidenced by applicants' admission in paragraph 0033 of the instant specification of the chemical identity of the material associated with the tradename MPCT 10 obtained from Mitsubishi Paper Mill Co., combined with 6,528,645 B1 (Hamasaki) and JP'515, including machine assisted English translations of cites for at least the reasons that amended claim 1 is submitted to be patentable under 35 U.S.C. §103(a) over US 2003/00228534 A1 (Zhu), as evidenced by applicants' admission in paragraph 0033 of the instant specification of the chemical identity of the material associated with the tradename MPCT 10 obtained from Mitsubishi Paper Mill Co., combined with 6,528,645 B1 (Hamasaki) and JP'515, including machine assisted English translations of cites.

C. In the Office Action, at pages 30-35, numbered paragraphs 19-20, claims 9-12 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over US 2003/00228534 A1 (Zhu), as evidenced by applicants' admission in paragraph 0033 of the instant specification of the chemical identity of the material associated with the tradename MPCT 10 obtained from Mitsubishi Paper Mill Co., combined with 6,528,645 B1 (Hamasaki) and JP '515 (see JPO translation of JP '515 for cites), further combined with US 6,284,031 (Healy), including machine assisted English translations of the cites. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Claim 10 has been cancelled without prejudice or disclaimer.

As noted by the Examiner on page 45 of the Office Action, the prior art does not teach the process of making a photoreceptor of the present invention which requires the use of 1,1,2-trichloroethane. Thus, amended claim 9, which recites the use of 1,1,2-trichloroethane to make the photoreceptor of the present invention, is submitted to be patentable under 35 U.S.C. §103(a) over US 2003/00228534 A1 (Zhu), as evidenced by applicants' admission in paragraph 0033 of the instant specification of the chemical identity of the material associated with the tradename MPCT 10 obtained from Mitsubishi Paper Mill Co., combined with 6,528,645 B1 (Hamasaki) and JP '515 (see JPO translation of JP '515 for cites), further combined with US 6,284,031 (Healy), including machine assisted English translations of the cites.

Since claims 11-12 and 16 depend, directly or indirectly, from amended claim 9, claims 11-12 and 16 are submitted to be patentable under 35 U.S.C. §103(a) over US 2003/00228534 A1 (Zhu), as evidenced by applicants' admission in paragraph 0033 of the instant specification of the chemical identity of the material associated with the tradename MPCT 10 obtained from Mitsubishi Paper Mill Co., combined with 6,528,645 B1 (Hamasaki) and JP '515 (see JPO



translation of JP '515 for cites), further combined with US 6,284,031 (Healy), including machine assisted English translations of the cites for at least the reasons that amended claim 9 is submitted to be patentable under 35 U.S.C. §103(a) over US 2003/00228534 A1 (Zhu), as evidenced by applicants' admission in paragraph 0033 of the instant specification of the chemical identity of the material associated with the tradename MPCT 10 obtained from Mitsubishi Paper Mill Co., combined with 6,528,645 B1 (Hamasaki) and JP '515 (see JPO translation of JP '515 for cites), further combined with US 6,284,031 (Healy), including machine assisted English translations of the cites.

D. In the Office Action, at pages 35-37, numbered paragraph 21, claims 1, 2, 4, and 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over US 2004/0096761 A1 (Lin), as evidenced by ACS File Registry RN 26201-32-1 and US 5,350,844 (Martin), combined with JP '515, including machine assisted English translation of cites. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

As an initial point of clarification, Lin was first published on May 20, 2004, whereas the instant application was filed in the United States on June 24, 2003. As such, it is respectfully submitted that Lin does not qualify as prior art under 35 U.S.C. §102(b) or 35 U.S.C. §103(a). Additionally, the date of invention in the instant invention is at least July 10, 2002, which is the foreign priority date based upon the prior filing of the foreign counterpart to the instant application in the Korean Intellectual Property Office. A copy of the foreign counterpart was previously filed, as acknowledged by the Examiner on in the Summary of the Office Action.

Further, enclosed is an English translation of Korean Application No. 2002-40105, along with a corresponding certification statement in compliance with 37 CFR 1.55(a)(4). As such, it is respectfully submitted that the applicants have established a date of invention of at least July 10, 2002. MPEP 210.15. Since this date of invention is prior to the publication of Lin on May 20, 2004, Lin does not qualify as prior art under 35 U.S.C. 102(a) as it was not "described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent." Therefore, it is respectfully requested that the Examiner reconsider and withdraw the rejection of claims 1, 2, 4 and 8 in view of Lin under 35 U.S.C. §103(a).

In addition, as noted by the Examiner on page 45 of the Office Action, the prior art does not teach the process of making a photoreceptor of the present invention which requires the use of 1,1,2-trichloroethane. Thus, amended claim 1, which recites the use of 1,1,2-trichloroethane to make the photoreceptor of the present invention, is submitted to be patentable under 35 U.S.C.

§103(a) over US 2004/0096761 A1 (Lin), as evidenced by ACS File Registry RN 26201-32-1 and US 5,350,844 (Martin), combined with JP '515, including machine assisted English translation of cites.

Since claims 2, 4 and 8 depend from amended claim 1, claims 2, 4, and 8 are submitted to be patentable under 35 U.S.C. §103(a) over US 2004/0096761 A1 (Lin), as evidenced by ACS File Registry RN 26201-32-1 and US 5,350,844 (Martin), combined with JP '515, including machine assisted English translation of cites for at least the reasons that amended claim 1 is submitted to be patentable under 35 U.S.C. §103(a) over US 2004/0096761 A1 (Lin), as evidenced by ACS File Registry RN 26201-32-1 and US 5,350,844 (Martin), combined with JP '515, including machine assisted English translation of cites.

E. In the Office Action, at pages 37-42, numbered paragraphs 22-23, claims 9, 10, 12, and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over US 2004/0096761 A1 (Lin), as evidenced by ACS File Registry RN 26201-32-1 and US 5,350,844 (Martin), combined with JP'515, including machine assisted English translations thereof, and Healy. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Claim 10 has been cancelled without prejudice or disclaimer.

As an initial point of clarification, Lin was first published on May 20, 2004, whereas the instant application was filed in the United States on June 24, 2003. As such, it is respectfully submitted that Lin does not qualify as prior art under 35 U.S.C. §102(b) or 35 U.S.C. §103(a). Additionally, the date of invention in the instant invention is at least July 10, 2002, which is the foreign priority date based upon the prior filing of the foreign counterpart to the instant application in the Korean Intellectual Property Office. A copy of the foreign counterpart was previously filed, as acknowledged by the Examiner on in the Summary of the Office Action.

Further, enclosed is an English translation of Korean Application No. 2002-40105, along with a corresponding certification statement in compliance with 37 CFR 1.55(a)(4). As such, it is respectfully submitted that the applicants have established a date of invention of at least July 10, 2002. MPEP 210.15. Since this date of invention is prior to the publication of Lin on May 20, 2004, Lin does not qualify as prior art under 35 U.S.C. 102(a) as it was not "described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent." Therefore, it is respectfully requested that the Examiner reconsider and withdraw the rejection of claims 9, 10, 12, and 16 in view of Lin under 35 U.S.C. §103(a).

In addition, as noted by the Examiner on page 45 of the Office Action, the prior art does not teach the process of making a photoreceptor of the present invention which requires the use of

1,1,2-trichloroethane. Thus, amended claim 9, which recites the use of 1,1,2-trichloroethane to make the photoreceptor of the present invention, is submitted to be patentable under 35 U.S.C. §103(a) over US 2004/0096761 A1 (Lin), as evidenced by ACS File Registry RN 26201-32-1 and US 5,350,844 (Martin), combined with JP'515, including machine assisted English translations thereof, and Healy.

Since claims 12 and 16 depend from amended claim 9, claims 12 and 16 are submitted to be patentable under 35 U.S.C. §103(a) over US 2004/0096761 A1 (Lin), as evidenced by ACS File Registry RN 26201-32-1 and US 5,350,844 (Martin), combined with JP'515, including machine assisted English translations thereof, and Healy for at least the reasons that amended claim 9 is submitted to be patentable under 35 U.S.C. §103(a) over US 2004/0096761 A1 (Lin), as evidenced by ACS File Registry RN 26201-32-1 and US 5,350,844 (Martin), combined with JP '515, including machine assisted English translations thereof, and Healy.

#### **DOUBLE PATENTING:**

In the Office Action, at pages 41-44, numbered paragraphs 24-25, claims 1 and 2 were provisionally rejected under the judicially created doctrine of obvious-type double patenting as being unpatentable over claims 1, 3-7, and 9-19 of copending Application No. 10/459,720 (Application'720) in view of Hamasaki. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

As noted by the Examiner on page 45 of the Office Action, the prior art does not teach the process of making a photoreceptor of the present invention which requires the use of 1,1,2-trichloroethane. Thus, amended claim 1, which recites the use of 1,1,2-trichloroethane to make the photoreceptor of the present invention, is submitted to be patentable.

Since claim 2 depends from amended claim 1, claim 2 is submitted to be patentable for at least the reasons that amended claim 1 is submitted to be patentable.

It is respectfully submitted that it is premature to raise a double patenting issue since the conflicting claims have not in fact been patented. Thus, the claims in the co-pending application are subject to change, and may not necessarily, in their final form, raise the issue of double patenting. Hence, we suggest it is premature to reject the claims of the present application on the basis of double patenting.

In general, in a double patenting instance, it is respectfully submitted that the respective claims of a first considered patent application are generally granted, and an obviousness-type double patenting rejection is then issued, if necessary, for the respective claims of the second patent application being considered with respect to the obviousness-type double patenting issue.

**CLAIMS OBJECTED TO:**

In the Office Action, at pages 44-45, numbered paragraph 26, claims 13 and 15 were objected to.

Claims 13 and 15 have been amended to independent form including all of the limitations of the base claim and any intervening claims, as suggested by the Examiner, and are now submitted to be in allowable form.

**NEW CLAIMS:**

New claims 21-22 recite further features of the present invention recited in amended claim 13. Nothing in the prior art teaches or suggests such. It is submitted that these new claims distinguish over the prior art.

New claims 23-24 recite further features of the present invention recited in amended claim 15. Nothing in the prior art teaches or suggests such. It is submitted that these new claims distinguish over the prior art.

**CONCLUSION:**

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: April 28, 2005

By: Darleen J. Stockley  
Darleen J. Stockley  
Registration No. 34,257

1201 New York Avenue, N.W.  
Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501